

California Regional Water Quality Control board
Santa Ana Region

Minutes of August 13, 2004 Meeting
Santa Ana City Council Chambers
22 Civic Center Plaza
Santa Ana

1. Chair Beswick called the meeting to order at 9:10 a.m.

Board Members Present	Board Members Absent
Carole Beswick, Chair Fred Ameri, Vice-Chair Jose Solorio Seymour Van Gundy John Withers Joan Dotson William Ruh	None

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Robert L. Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Gary D. Stewart, Chief of Surveillance and Enforcement
Wanda K. Marquis-Smith, Chief of Basin Planning - Coastal Waters
Mark G. Adelson, Chief of Regional Planning Programs
Mark E. Smythe, Chief of Stormwater – Coastal Waters
Jun Martirez, Chief of Regulations
Kenneth R. Williams, Chief of Pollutant Investigations
John Broderick, Engineering Geologist
Dave Woelfel, Environmental Scientist
Doug Shibberu, Environmental Scientist
Susan Beeson, Sanitary Engineering Associate
Jessie Powell, Water Resources Control Engineer
Terri Reeder, Engineering Geologist
Kevin Heinemann, Staff Information Systems Analyst
Catherine Ehrenfeld, Staff Services Analyst

U. S. EPA

Doug Eberhardt, Chief of Clean Water Act Standards and Permits Office, Region 9

State Board Representative

There was none present.

Public in Attendance

G. Van Drie
Don Schulz, Surfrider Foundation
Toby Moore, Southern Calif. Water Co.
Michael Hummel
Terry Thielen
Darrell A. Nolte
Mary Aileen Matheis, Irvine Ranch Water District
Norris Brandt, Irvine Ranch Water District
Grace Pina Garrett, Caltrans
Jae Chung, U. S. Army Corps of Engineers
Rod Cruze, City of Riverside
Blake Anderson, Orange County Sanitation District
Mike Recupero, Recupero & Associates
Irwin Haydock
Jerry A. King, McGuire Environmental Consultants
Charles Trusell, City of Los Angeles
Larry McKenney, County of Orange
Chris Crompton, County of Orange
Patrick Sheilds, Inland Empire Utilities Agency
Dennis Baker, Earth Resource Foundation
M.J. Foley, MJF Consulting, Inc.
Chris Kubasek, Orange County
Zola Verdaguer, County of Orange, Watershed & Coastal Resources
Mark Norton, Santa Ana Watershed Project Authority
Monica Mazur, Orange County Environmental Health
Jan Vandersloot

2. Public Forum

Terry Theilen, resident of Lake Elsinore, recently discovered that septic tanks in his residential area on Lakeshore Drive are leaching into the Lake, which is a violation of the Clean Water Act. The residents are encouraging Elsinore Valley Municipal Water District to extend the sewer system 3,000 feet to Lakeview Drive to alleviate this violation. He requests that the Board include this topic on the next agenda. Chair Beswick requested Mr. Theilen to submit the letter from Elsinore Valley Municipal Water District for staff to review and possibly come to some resolution.

3. Approval of Minutes

Action: It was moved by Member Dotson, seconded by Member Ruh and unanimously approved that the Minutes of the June 4, 2004 meeting be approved as presented.

4. Consent Calendar

It was noted that Item No. 7 had been withdrawn, Item No. 11 had been postponed, Item No. 9 had errata.

- *5. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement, Evelia Villaruel Zepeda, 3485 Pacific Avenue, Riverside, Riverside County - APN 177-141-013

- *6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement, Russell T. Anderson, 15797 Indian Creek, Riverside, Riverside County – APN 245-440-022
- *8 Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement, Walter Taylor, 32883 Bryant Street, Wildomar, Riverside County - APN 370-360-015
- *9 Renewal of Waste Discharge Requirements for Inland Empire Utilities Agency's Carbon Canyon Water Reclamation Facility, San Bernardino County, (NPDES No. CA8000073) For discharges of up to 11.4 million gallons per day of tertiary treated municipal wastewater to Chino Creek — Order No. R8-2004-0020
- *10. USA Gasoline Minimum Mandatory Penalty Reconsideration — Resolution to Rescind Order No. R8-2004-0019 for Mandatory Penalty of \$24,000 and adoption of Mandatory Penalties Complaint Order No. R8-2004-0066 for the revised amount of \$18,000. USA Gasoline Corporation, San Bernardino County. Mandatory Penalties Complaint Order No. R8-2004-0066 Resolution No. R8-2004-0069

Action: It was moved by Chair Beswick, seconded by Member Ruh and unanimously approved that the Board adopt Order No. R8-2004-0020, with errata, Mandatory Penalties Complaint Order No. R8-2004-0066 and Resolution No. R8-2004-0069, and approve the exemptions from minimum lot size requirements requested by Ms. Zepeda, Mr. Anderson, and Mr. Taylor.

- 12. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement Kurt and Mary Johnson, 13537 Mesa Verde Drive, Yucaipa, Riverside County – APN 322-831-25

Jun Martinez, Chief of the Regulations Unit, presented an overview of the basin plan minimum lot size requirements for use of septic tank sub-surface disposal systems, followed by an overview of Mr. & Mrs. Johnson's request for exemption. In accordance with the established minimum lot size requirements and exemption criteria, staff denied an exemption because the property is less than one half acre, there is already a house on the lot and the proposed addition would be a separate structure. Joanne Schneider, Environmental Program Manager, stated that Mr. & Mrs. Johnson have been working diligently with Regional Board staff and the City of Yucaipa to identify possible offset options. The Yucaipa Valley Water District notified the Johnson's that an offset within their immediate area is not feasible. Ms. Schneider recommended that staff continue working with the Johnsons and the Yucaipa Valley Water District toward identifying and implementing an offset option. Gerard J. Thibeault, Executive Officer, requested time to speak with Yucaipa Valley Water District's General Manager, Joe Zoba, to discuss an offset option.

Speakers on the item were:

Michael Hummel on behalf of Mr. & Mrs. Johnson

Action: Member Ruh moved to continue this item to allow staff time to work with the Johnson's to identify an offset option. Member VanGundy seconded the motion. The vote to continue this item was unanimous.

- 13. Joint Workshop with U.S. Environmental Protection Agency – Orange County Sanitation District, NPDES Permit/Waste Discharge Requirements, Order No. R8-2004-0062, and Time Schedule Order No R8-2004-0067.

Information concerning this item is contained in a verbatim transcript of the proceedings.

Gary D. Stewart, Chief of Surveillance and Enforcement, told the Board that the purpose of the workshop was to solicit comments regarding the proposed waste discharge requirements (permit)

and time schedule order. Mr. Stewart noted that the proposed permit is very similar to the one that it is replacing, with one significant difference. That difference is that the new permit will require the Orange County Sanitation District (OCSD) to achieve compliance with secondary treatment standards, since OCSD choose not to seek continuance of the 301 (h) "waiver". Mr. Stewart further noted that OCSD cannot comply immediately with secondary treatment standards and that major improvements to existing facilities and also construction of many new facilities are necessary before compliance can be achieved. A construction time schedule prepared by OCSD indicates that completion of the projects that are necessary for compliance with the secondary treatment standards can be achieved by the end of 2012. Due to concerns regarding the length of this schedule, Mr. Thibeault requested that OCSD convene a Blue Ribbon Panel of construction and engineering design experts to review the construction schedule. The Panel found that the schedule is extremely aggressive for a project of this magnitude. Based on these findings, staff feels confident that the schedule developed by OCSD is the shortest possible. The proposed time schedule order is based on this schedule. It contains interim compliance dates, as well as interim effluent limits that become more stringent as new unit processes come on-line.

Mr. Stewart noted that the public comment period for these orders is open until the Board's September 17, 2004 meeting, at which time staff will recommend that the Board consider adoption of the orders. Revised draft orders will be posted on the Regional Boards web site well in advance of the September meeting. Doug Eberhardt, U. S. EPA, stated that there will be a written response to written and oral comments received. Mr. Eberhardt also stated that this is a combined effort and he requested that all comments be received no later than August 20, 2004.

Speakers on the item were:

Bob Ghirelli, Director of Technical Services for Orange County Sanitation District
Darrell Nolte

14. General Waste Discharge Requirements, (NPDES NO. CAG998002) — For Short-term Groundwater-related Discharges and De-minimus Wastewater Discharges to Surface Waters within the San Diego Creek/Newport Bay Watershed. Order No. R8-2004-0021.

Information concerning this item is contained in a verbatim transcript of the proceedings.

Joanne E. Schneider, Environmental Program Manager, presented this item. She reviewed relevant prior waste discharge requirements and the rationale for the revised regulatory approach reflected in the proposed Order. Ms. Schneider identified the issues of concern to the dischargers, particularly questions regarding the feasibility of compliance with proposed requirements for selenium and nitrogen in groundwater-related discharges. She described the proposed permit provisions intended to address these concerns. Ms. Schneider noted that a group of stakeholders had recently proposed a preliminary alternative regulatory approach and recommended that action on this item be postponed to allow receipt and evaluation of a more definitive proposal.

Speakers on the item were:

Norris Brandt, Environmental Quality Manager, San Diego Creek/Newport Bay Dischargers Group
Dennis Baker, Newport Naturalists & Friends
Darrell Nolte
Dr. Jack Skinner

Action: Consideration of Order was postponed until the November 5, 2004 Board Meeting, at which time an update will be provided.

15. Waste Discharge Requirements, Lillo Service Station, City of Riverside, Riverside County Waste Discharge Requirements for Potential Discharges of Petroleum Hydrocarbons.

Order No. R8-2004-0063.

With the errata changes provided, and there being no comments from the discharger or SAWPA, staff recommended adoption of Order No. R8-2004-0063.

Kurt Berchtold, Assistant Executive Officer, stated that the controls placed on this discharger are well above and beyond those that have been imposed on any other station in the Santa Ana Region, and possibly in the State, but staff believes that they are necessary at this site.

Action: Member Ruh moved to adopt the order with errata, Member Solorio seconded. Member Dotson opposed. The motion to adopt Order No. R8-2004-0063 was approved.

16. Stormwater Quality Standards Task Force Status Report — Representatives of the Task Force will provide a report on the current status of the work being conducted by the Task Force to consider revised bacterial quality objectives to protect water contact recreational (REC-1) uses of inland and estuarine surface waters within the Santa Ana Region.

Jeff Beehler, Project Manager, SAWPA, introduced Tim Moore, of Risk Sciences, who provided the Board copies of a copy of the first quarter summary report of the Task Force effort. Mr. Moore described the process (Delphi Process) the Task Force is using to address questions regarding water contact recreation standards, with initial focus on beneficial use designations.

Speakers on the item:

Jan Vandersloot, Ocean Outfall Group
Darrell Nolte

17. Orange County Storm Water Program Status Report — Representatives of the Orange County Storm Water Program will brief the Regional Board concerning the status of the program

Mark Smythe, Chief of the Storm Water Coastal Waters Unit, briefed the Board on the strong leadership role Orange County has assumed. Mr. Smythe described how the Regional Board staff has been reviewing the manner in which the cities and county have been complying with the MS4 permit by performing municipal audits. Mr. Smythe introduced Larry McKenney, of the County of Orange, representing the Storm Water Program which involves the County Flood Control District and 25 cities that are co-permittees in the Orange County MS4 permit. Mr. McKenney distributed examples of the educational materials that represent the programs the County and Cities within the County have developed for public education on storm water issues. Mr. McKenney also gave an overview of the status of the program. Member Solorio requested a copy of the 2003 public opinion poll conducted by Orange County. Vice Chair Ameri requested an update from the representatives for the Riverside and San Bernardino Counties Stormwater Programs.

Speakers on the item:

Dennis Baker

18. Newport Bay/San Diego Creek Watershed Nutrient Total Maximum Daily Load (TMDL) Triennial Review — Staff will brief the Regional Board on the current status of the nutrient TMDL and associated Implementation Plan requirements.

Doug Shibberu, Environmental Scientist, presented the status of the nutrient TMDL for the San Diego Creek/Newport Bay Watershed. He indicated that the required nutrient load reductions have been largely achieved and that there has been considerable progress in reducing macroalgal blooms. However, relevant numeric and narrative water quality objectives have not been fully achieved and the TMDL allocations need to be revised downward to ensure that Newport Bay becomes free of nuisance macroalgal blooms. Also reviewed were the steps for implementing TMDLs for 2004-2007.

Speakers on the item were:

Dr. Jack Skinner

19. Bolsa Chica Lowlands Restoration Status Report

John Broderick, Engineering Geologist, provided an update of staff involvement in this project, which is to re-establish ecological functions to parts of the Bolsa Chica lowlands that have been degraded by decades of use as an oil field. Mr. Broderick's presentation included a report on the plans for cleaning up contaminants found on the site. A key element of the clean-up plan is to isolate low-level contaminants within soil structures that will be constructed (beginning as soon as October 2004) as part of the restoration.

20. San Diego Creek (Orange County) Special Area Management Plan (SAMP)

Staff provided a written report discussing implementation of the San Diego Creek SAMP, a planning project of the U.S. Army Corps of Engineers, other federal, state and local agencies and The Irvine Company for systematic mitigation of impacts to surface water resources expected to occur from future development within the watershed. The environmental review of the SAMP, about to begin, may become controversial (information item).

Speaker on the item:

Jae Chung, U. S. EPA

21. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

Kurt Berchtold, Assistant Executive Officer, provided an update on the progress and activities of the investigation of perchlorate pollution in this area. Updated information concerning an item in the written report was reviewed. San Bernardino County installed a monitoring well up gradient from Rialto monitoring well #3 (an active well in which no perchlorate contamination has been found.) The County submitted a water supply contingency plan with a time schedule of roughly 14 months to implement that plan. Staff responded to the County indicating that 14 months was too long and that they needed to develop a more aggressive schedule. A court hearing is scheduled for August 27, 2004 in the Emhart case.

22. Hazardous Waste and Sewage Spill Incident Report

Lists of such incidents were provided to the Regional Board.

23. Underground Storage Tanks Site Closure Report

Staff provided a list of site closures that have occurred within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728(d)

24. Underground Storage Tanks Corrective Action Plans

Staff provided a list of sites where Corrective Action plans have been submitted within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728

25. Quarterly Violations Report

A list of violations was provided to the Board as required by the State Water Resources Control Board's Water Quality Enforcement Policy.

26. General Permits

Staff provided a list of all new permittees recently enrolled under the Region's general permits

27. Executive Officer's Report

There was no Report

28. Regional Board Member Communications

Member Withers expressed that the Board plans to be very active in submitting comments and providing input on the California Performance Review.

29. Adjournment

The Board was adjourned to the regular meeting of September 17, 2004 at 9:00 a.m., at City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

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